

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1-22 are in the present application. It is submitted that these claims are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. Claims 14-22 are allowed.

The Abstract was objected to for exceeding 150 words in length. In response, Applicant has substituted a new Abstract of less than 150 words. Accordingly, Applicant believes this objection has been overcome.

Applicant acknowledges with appreciation the indication by the Examiner that claims 14-22 are allowed and that claims 4-6, 8 and 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No changes have been made to the claims.

Claims 1-3, 7, 9-11 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Applicant's Admitted Prior Art (AAPA). However, Applicant respectfully disagrees with the Examiner's opinion and traverses the rejections for at least the following reasons. Claim 1 corresponds to the embodiment of the invention shown in Figure 6, as opposed to the prior art shown in Figure 1 (as argued by the Examiner). The difference is apparent from the preamble of

the claims which require “the program being disposed between a controlling portion and hardware.” In other words, the present invention (as shown in Figure 6) has a controlling portion which is separate from the hardware as opposed to having controlling portions 21,31 integrated into the hardware 11, 13 as shown in prior art Figure 1.

More specifically, the recited first process portion corresponds to the control data input-output capsule 154, the second process portion to capsule manager 151 and main application 153, the third process portion to music data input-output capsule 155, and the fourth process portion to encoding process capsule 156. (Figure 6) The Examiner contends the first process portion is analogous to the input output process portion 11, the second process portion is analogous to the main process portion 13, the third process portion is analogous to the network card driver process portion 14, and the fourth process portion is analogous to the encode card driver process portion 15. (Figure 1) However, claim 1 recites “a fourth process portion for communicating with the first process portion,” and as shown in Figure 1 the encode card driver process portion 15 does not directly connect with the input output process portion 11. Likewise, in the present invention, “the first process portion outputs a message to one of the third process portion and the fourth process portion” (Claim 1), but the input output process portion 11 does not directly connect with either the network card driver process portion 14 or the encode card driver process portion 15. Thus, prior art Figure 1 cannot be used to meet the limitations of the present invention.

The present invention has a configuration so as to allow that, if a change in hardware is required, it is not necessary to change the controlling portion. (Specification page 62, last 10 lines) Also, the same controlling portion can be commonly used by more than one hardware device. (Specification page 64, lines 2-4) This type of configuration permits easy changes or

modifications to the various hardware devices, which may be necessary for processing different types of information. (Specification page 1, first paragraph) By separating the functional blocks, as shown in Figure 6, each process portion can be quickly restored in the event of an abnormal condition. (Specification, page 64, last paragraph).

Therefore, for at least these reasons, the AAPA fails to anticipate the present invention and Applicant believes this rejection should be withdrawn.

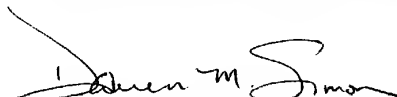
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Darren M. Simon
Reg. No. 47,946
(212) 588-0800